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Alaska Native Tribal Health Consortium  
Division of Environmental Health and Engineering  
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## Document Distribution

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Division of Environmental Health and Engineering

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## **Cooperative Project Agreement**

A Health Facility Improvement Project Between:  
The Alaska Native Tribal Health Consortium and  
The Kenaitze Indian Tribe in  
The City of Kenai, Alaska  
Project No. AN 04-GC6  
March 2005

**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
KENAITZE INDIAN TRIBE, KENAI, ALASKA**

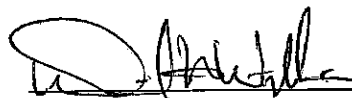
**PROJECT NO. AN 04-GC6**

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To complete this project, ANTHC and the Kenaitze Indian Tribe mutually agree to the terms and conditions contained in this Agreement.

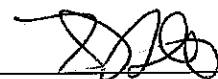
RECOMMENDED BY:

3/31/05  
Date

  
Daniel H. Williams, P.E.  
Regional Manager  
DEHE, ANTHC


APPROVED BY:

4/5/05  
Date

  
for Paul Sherry  
Chief Executive Officer  
ANTHC

APPROVED BY:

4/20/05  
Date

  
Rita Smagge  
Tribal Administrator and  
Executive Director  
Kenaitze Indian Tribe

**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
KENAITZE INDIAN TRIBE, KENAI, ALASKA**

**PROJECT NO. AN 04-GC6**

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**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
KENAITZE INDIAN TRIBE, KENAI, ALASKA**

**PROJECT NO. AN 04-GC6**

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DATE OF AGREEMENT:  
March 2005

**A. INTRODUCTION**

Throughout this Cooperative Project Agreement (CPA) the following entities are referred to as follows:

Kenaitze Indian Tribe	=	KIT
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission

The ANTHC, DEHE, role is to provide sustainable environmental health solutions in partnership with the people it serves to create healthy and safe Native communities.

This CPA contains information about the project scope of work, funding, costs, and administration, and is being performed under the provisions of the following agreements:

- Memorandum of Understanding Between the Denali Commission and the Alaska Native Tribal Health Consortium for Alaska Health, Sanitation, and Other Related Infrastructure, dated September 2004. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 0146-DC-2004-I29, Addendum A, dated December 2004.

**B. SCOPE OF PROJECT**

This project will repair and renovate an existing health clinic in Kenai, Alaska. The project does not involve ground disturbance.

## C. PROJECT COST

### C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost	Total Cost	Funding Source
						Denali FY04
M-CL	Repair and renovate existing health clinic	1	LS	38,731	38,731	38,731
Total Award					\$38,731	\$38,731

### C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2004</u>	<u>NA</u>	<u>\$38,731</u>
TOTAL PROJECT FUNDING			<u>\$38,731</u>

Denali Commission funding for this health facility improvement project has been made available to ANTHC through a separate Financial Assistance Award (FAA), or amendment or addendum to an existing FAA, between the Denali Commission and ANTHC.

## D. PROJECT ADMINISTRATION

The following Project Management Methodology option has been selected by the Kenaitze Indian Tribe:

Project design and construction will be managed by KIT, which has met standards for a "Pass Through" organization approved by ANTHC. ANTHC will only maintain program oversight of the project. No technical assistance or project management will be provided by ANTHC.

This Agreement shall take effect upon signature by all parties and remain in effect until the expiration of the "Performance Period" specified within the Commission's Financial Assistance Award or subsequent amendment(s) or addendum(s).

## E. SUSTAINED OPERATIONS CONSIDERATIONS

KIT will assume ownership and responsibility for operating and maintaining equipment or facilities provided by this project.

## F. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for cultural resources identification and protection through avoidance or mitigation to avoid unnecessary disturbance of reported or known human burials. The NHPA also requires Tribes to be consulting parties if archeological discoveries are made during construction.

The Native American Graves Protection and Repatriation Act (NAGPRA) contains stipulations regarding the appropriate treatment and disposition of human burials, funerary, and associated items discovered on Federal lands or Indian Allotments. NAGPRA recognizes the inherent rights and claims of the Native people but often is inapplicable to ANTHC projects. For this reason, as a policy ANTHC recognizes the inherent rights and claims of the tribal entity when human remains and associated items are uncovered through construction projects.

Therefore, if construction for this project results in the discovery of ancient cultural items (i.e., human burials, associated items, and/or archaeological artifacts) ANTHC will ensure that the Kenaitze Indian Tribe will be a consulting party. In addition, the following responsibilities are assumed by the project participant in order to comply with the NHPA, NAGPRA, and ANTHC policy recognizing inherent rights and claims:

- Identifying any known or reported archaeological site, artifact, or ancient human remains to avoid unnecessary damage to sensitive resources.
- Delaying construction in the vicinity of a discovery until procedures in conformance with 36 CFR 800 are complete.
- Determining appropriate mitigation measures and performing all mitigation in conformance with 36 CFR 800.
- Ensuring an archaeologist, retained or employed by any party to facilitate construction operations, will view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensuring that if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that unless the Kenaitze Indian Tribe requests further study of the remains, tests upon or photographs of any ancient human remains will not occur unless specific, separate Agreements have been made with the Kenaitze Indian Tribe.
- Contacting local law enforcement officials if a modern human burial is discovered to determine if a criminal act can be identified. If the burial is from an archaeological context, the burial will be treated as archaeological remains and need not be treated as a scene of crime.

- Acknowledging that the Kenaitze Indian Tribe assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Kenaitze Indian Tribe reserves the inherent right to determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the inherent claims or rights of the Kenaitze Indian Tribe are not diminished by the fact that the land is under ownership by another party.
- Ensuring that if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, parties to facility construction operations shall comply with the NAGPRA if appropriate.
- Acknowledging that all other inherent rights and claims regarding any and all cultural items discovered on any lands other than private lands during excavation for or in support of facility construction not expressly covered in these responsibilities are reserved to the Kenaitze Indian Tribe alone.

#### G. AUTHORITY FOR APPROVAL

Upon signing this document, the ANTHC Chief Executive Officer delegates authority to sign all subsequent agreements related to this project to the Director of Regional Facilities Services, DEHE.

#### H. PROVISIONS FOR PROJECT COMPLETION

The following sections from the ANTHC, DEHE, Cooperative Project Agreement Provisions Manual for Health Facilities Projects (Orange Book), dated June 2003, are incorporated into this Agreement by reference. For the purposes of this Agreement, all references to "Local Participant" shall mean the Kenaitze Indian Tribe.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 3, "Provisions for Local Participant Management of Force Account Labor and Local Procurement of Force Account Management"
- Section 4, "Provisions for Regional Health Organization Management of Force Account Labor for Pass Through Projects"
- Section 5, "Insurance and Indemnification Provisions for Force Account Labor Projects Managed by ANTHC or the Local Participant"
- Section 6, "Assurances for All Construction Programs" (Standard Form 424D)



The following federal provisions apply to this project:

- 15 CFR 24, Uniform Admin Requirements for Grants/Cooperative Agreements to State and Local Governments  
<[www.access.gpo.gov/nara/cfr/waisidx\\_99/15cfr24\\_99.html](http://www.access.gpo.gov/nara/cfr/waisidx_99/15cfr24_99.html)>  
(applies to local or tribal government)
- OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments <[www.whitehouse.gov/OMB/circulars/a087/a087-all.html](http://www.whitehouse.gov/OMB/circulars/a087/a087-all.html)>  
(applies to local or tribal government)
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations <[www.whitehouse.gov/OMB/circulars/a133/a133.html](http://www.whitehouse.gov/OMB/circulars/a133/a133.html)>  
(applies to all Agreements)
- 15 CFR, Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations  
<[www.access.gpo.gov/nara/cfr/waisidx\\_99/15cfr14\\_99.html](http://www.access.gpo.gov/nara/cfr/waisidx_99/15cfr14_99.html)>  
(applies to non-profits)
- OMB Circular A-122, Cost Principles for Nonprofit Organizations  
<[www.whitehouse.gov/OMB/circulars/a122/a122.html](http://www.whitehouse.gov/OMB/circulars/a122/a122.html)> (applies to non-profits)

## **APPENDIX**

### **Final Environmental Review Memorandum**



**ALASKA NATIVE TRIBAL HEALTH CONSORTIUM**  
Division of Environmental Health and Engineering  
1901 South Bragaw Street, Suite 200  
Anchorage, Alaska 99508

## MEMORANDUM

DATE: May 2005

FROM: Heritage and Environmental Consultant

SUBJECT: Kenaitze Indian Tribe, Final Environmental Review  
Project No. AN 04-GC6

TO: FOR THE RECORD

Based upon proposed Federal funding for this project, an environmental review in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) is required. The Alaska Native Tribal Health Consortium (ANTHC) has considered all potential environmental concerns (specific and cumulative effects) associated with the project in consultation with applicable federal, state, and local authorities. An Environmental Review has been completed with respect to the proposed health facilities planning project.

### FINDINGS

The ANTHC uses the Indian Health Service (IHS) environmental review procedures for conducting environmental analyses of all health and sanitation facilities projects, as outlined in the *Environmental Review Manual*, the second edition of which was issued in January 2000. This environmental review finds that no further environmental investigation is needed because it includes maintenance and every day repairs and replacement-in-kind, and acquisition of equipment not requiring permits. No construction is involved. All actions involving construction have been reviewed and no extraordinary or exceptional circumstances were found to exist. It is therefore recommended that the Denali Commission approves a determination of eligibility for categorical exclusion from the requirement to conduct further environmental evaluation for this project. Current IHS policy (Federal Register, Vol. 58, No. 3, January 6, 1993, pp. 569-572, I [2] and [3] allows for categorical exclusion of health and sanitation facility projects that do not have a significant impact on the environment. I (2) provides for the acquisition of equipment, provided that all requirements for permits, registrations, and licenses are met, and provided that the equipment involves the use of generally accepted technology. I (3) provides for building alterations or renovation that does not substantially change the function or general appearance of the building.

## SCOPE OF WORK

This project will repair and renovate an existing health clinic in Kenai, Alaska. The project does not involve ground disturbance.

The ANTHC agrees to comply with all applicable federal, state and local environmental laws, regulations, and requirements during all phases of the project, as well as obtain any necessary permits.

## SUMMARY

With the scope of work outlined for this project, the ANTHC has completed the environmental review. If the scope of work is changed in the future, then the ANTHC will revisit this environmental review to determine if potential environmental concerns have been addressed.

  
Chris Campbell